

4



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,480	06/04/2001	Shell S. Simpson	10007666-1	5361

7590 06/03/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,480

Applicant(s)

SIMPSON ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9 have been cancelled.

Claims 10-28 are presented for examination.

Response to Arguments

1. Applicant's arguments filed have been fully considered but they are not persuasive. 02/10/2005.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frigon (US 2002/0103813 A) in view of Gough et al. (Gough) (US 6,360,221 B1).

Regarding claims 10 and 17, Frigon teaches a method for sending, via email, imaging data stored in a personal imaging repository (Fig. 1) comprising:

requesting web content from an email web service using a client computer (Fig. 1 page 4 paragraph 36);

receiving email web content on the client computer sent from said web service (page 4 paragraph 36 and page 6 paragraph 60);

displaying and executing the email web content on the client computer to cause the email web content to automatically access images store in the personal imaging repository (page 5 paragraph 57, page 7 paragraph 73 and page 8 paragraph 76);

receiving a user selection of image to be emailed to a recipient (page 7 paragraph 69 and page 7 paragraph 73);

transferring selected image id along with a user configuration to the email web service with the email web content (page 7 paragraph 73); and

sending the selected image and the user configuration data with an email message to the recipient (page 7 paragraph 69).

Frigon does not explicitly teach transferring images to email service as claimed.

Gough, in the same field of endeavor, teaches transferring images to email service (Fig. 12 col. 4 lines 1-21, col. 15 line 53-65 and col. 14 lines 56-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized transferring images to email service of Gough in the process of sending image data in Frigon because it would provides an enhanced email service which increases the enjoyment and usage of the system (Gough, col.. 1 lines 66-col. 2 line 1).

Regarding claims 11, Frigon-Gough determining whether the connection with the email web service is successful; and, returning an error message to the user when the connection with the email web service is not successful (Gough, Fig. 11 col. 14 lines 37-49).

Regarding claim 12, Frigon-Gough teaches accessing each imaging composition stored in a composition store to obtain a list of links for all images in the personal imaging repository; retrieving images in a form that can be displayed on the browser; (Frigon, page 7 paragraph 73).

Regarding claim 13, Frigon-Gough teaches receiving a send command with the web content entered by the user (Fig. 2 Gough, col. 5 lines 28-39).

Regarding claim 14, Frigon-Gough teaches receiving a destination email address from the user; receiving a send configuration for the selected imaging data by the user;

receiving comments for the email message from the user; and receiving a send with the email web content entered by the user (Gough, col. 4 line 62-col. 5 line 39 and col. 15 lines 53-65).

Regarding claim 15, Frigon teaches requesting the images in the desired user configuration from the imaging data store by the email web content; and receiving the selected images in the desired user configuration from the composition store (col. 15 lines 53-65).

Regarding claim 16, Frigon teaches configuring the selected images according to user selection with the email service; and composing the email message with the email service (col. 15 lines 53-65).

Regarding claim 18, Frigon teaches displaying the retrieved images in the browser, and receiving user selections as to which images to send using the browser (page 7 paragraph 73).

Regarding claim 19, Frigon teaches means for requesting web content from an web service, and means for receiving web content sent from the web service (page 9 paragraph 83, and means for executing the web content to cause the web content to automatically access images stored in the personal imaging repository without user intervention (page 5 paragraph 57, page 7 paragraph 73 and page 8 paragraph 76);

Regarding claim 20, Frigon teaches means for accessing each imaging composition stored in a composition store to obtain a list of links for all images in the personal imaging repository, and means for retrieving the images in a form that can be displayed in the browser (page 7 paragraph 73).

Regarding claim 21, Frigon-Gough teaches means for receiving a user selection of images to be emailed to a recipient, means for transferring selected image along with a user configuration to the email service with the email web content, and means for sending the selected images and the user configuration with an email message to the recipient (Gough, col. 14 lines 56-53 and col. 15 lines 53-65).

Regarding claim 22, Frigon-Gough teaches means for receiving a destination email address from the user, means for receiving a send configuration for the selected images from the user, means for receiving comments for the email message from the user, and means for receiving a send command with the email web content entered by the user (Gough, Fig. 8 col. 5 lines 1-39 and col. 14 lines 37-63).

Regarding claim 23, Frigon means for requesting the selected images in the desired user configuration from an imaging data store using the web content, and means for receiving the selected images in the desired user configuration from the imaging data store (pages 4 paragraphs 35-36 and pages 5-6 paragraphs 54-60).

Regarding claim 24, Frigon teaches a browser that executes on the user's computer (i.e., browser 105, Fig. 1).

Regarding claim 25, Frigon teaches means for receiving web content comprises the browser (page 6 paragraph 65).

Regarding claim 26, Frigon teaches the web content automatically accesses images stored in the personal imaging repository using an extension component the associates the email web content with the personal image repository (page 8 paragraph 76).

Regarding claim 27, Frigon teaches the extension component associates the web content with a composition store of the personal image repository that comprises links to images stored in an imaging data store of the personal image repository (page 7 paragraph 73).

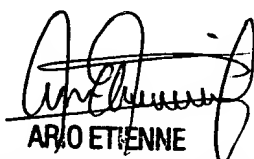
Regarding claim 28, Frigon teaches the imaging data store resides on a computer other than the user 's computer (page 4 paragraphs 36 and 39).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
May 30, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100